

# WILLKIE FARR & GALLAGHER LLP

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September 13, 2024

## VIA ECF AND EMAIL

The Honorable Katherine Polk Failla  
U.S. District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *In re Tether and Bitfinex Crypto Asset Litigation*, No. 1:19-cv-09236-KPF – Letter Motion to File Defendant Phil Potter’s Answer to Plaintiffs’ Second Amended Complaint Under Seal

Dear Judge Failla:

I write on behalf of Defendant Philip G. Potter (“Mr. Potter”) in the above-referenced action. Pursuant to Rule 9 of Your Honor’s Individual Rules of Practice in Civil Cases, Mr. Potter respectfully requests permission to file his Answer to Plaintiffs’ Second Amended Complaint (the “Answer”) under seal.

Mr. Potter’s Answer contains information that has been designated as Confidential or Attorneys’ Eyes Only pursuant to the Protective Order. *See* ECF No. 151, at ¶ 3. Specifically, the Answer discusses allegations contained in the Second Amended Complaint (the “SAC”), which has been filed under seal at ECF No. 556, and references information concerning the Anonymous Trader. Such information is designated as strictly Attorneys’ Eyes Only subject to the Court’s November 22, 2021 Order and subsequent orders. *See* ECF Nos. 195, 215, 420, 439, 511.

Accordingly, Mr. Potter respectfully requests leave to file his Answer under seal in the first instance to avoid any improper disclosure of information designated as Confidential or Attorneys’ Eyes Only. *See* ECF No. 151, at ¶ 4b. Mr. Potter further requests permission to file an unsealed, redacted version of his Answer, subject to (and following a meet and confer regarding) redactions proposed by Plaintiffs, the Bitfinex-Tether Defendants, and the Anonymous Trader, to comply with the Court’s prior orders. *See* ECF Nos. 195, 215, 511.

Respectfully submitted,  
/s/ Charles D. Cording  
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*Attorney for Defendant Philip G. Potter*

Application GRANTED. The Clerk of Court is directed to maintain docket entry 567 under seal, viewable to the Court and the parties only.

The Clerk of Court is further directed to terminate the pending motion at docket entry 565.

Date: September 16, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE